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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,285	01/31/2001	Shane Kuipers	Haworth Case 306	1964
7590 08/15/2006 FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 Rambling Road Kalamazoo, MI 49008-1699			EXAMINER HORTON, YVONNE MICHELE	
			ART UNIT 3635	PAPER NUMBER

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/773,285	Applicant(s) KUIPERS ET AL.	
	Examiner Yvonne M. Horton	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-24 is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10,13-18 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 4,5,11,12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 8,9,13-18 is withdrawn in view of a more careful review of the references and the newly discovered reference(s) to RISHARDSON. Rejections based on the newly cited reference(s) follow.

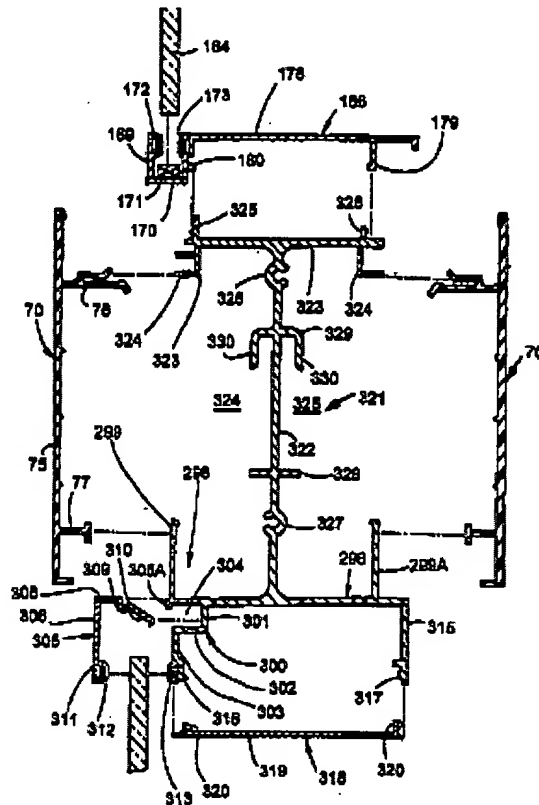
Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,6,7,14 and 25-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,158,19 to ACKERLY et al. in view of US Patent #6,037,538 to BROOKS. In reference to claims 1 and 14, ACKERLY et al. discloses the use of a panel arrangement for an office furniture including a weight bearing support/connector part panel structure (43,47), glass panels (164,293) and an edge frame members (165,166,167,305) removably joined to the peripheral edge of the glass panel (164) by screws; wherein the frame member includes a fixing channel (CH), see below, having opposing spaced apart channel walls (169,170) and (306, near 309). The support/connector part (43,47) is situated between the lower edge of the glass panel (166) and the upper edge of panel (293). Hence, the support/connector part (43,47) is then supported on the connector/support (43,47) by the lower edge, at least, of the upper glass panel (164). ACKERLY et al. discloses the basic claimed arrangement except for the specifics of the channel thickness. BROOKS teaches that it is known in the art to provide opposite walls (52) of a channel such that the opening

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formed between the walls is narrower than the thickness of the member (16) being inserted therein. The channel thickness, as seen in figure 8, is smaller than the panel (16), see figure 13, thickness prior to insertion therein and the walls (52) of the channel



section (21) being made from an extrusion that is rigid but that is capable of deflecting to have a tight-fitting contact with the panel, column 4, lines 25-28. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the arrangement of ACKERLY et al. with narrowed channel walls, as taught by BROOKS in order to ensure that the panel member is securely fit within the channel of the frame member. Angling the wall inwardly provides tension such that when something is inserted there between the member is thereby maintained in

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position. Further regarding to claims 6 and 16, BROOKS also discloses the use of undercuts (54) to define a juncture between the channel walls (51,52) and side wall (50). In reference to claim 7, although ACKERLY et al., as modified by BROOKS, discloses edge rails at the tops of the panel/glass members, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the mere rearranging of essential parts of an invention involves only routine skill in the art. Hence, the members of ACKERLY et al., as modified by BROOKS, are capable of being positioned vertically without diverting from the scope of the invention. Further, regarding claim 14, the panel (164,293) of ACKERLY et al. is supported by connector parts (166,305). Regarding claim 25, the support structure (43,47) maintains the panel/glass panel in a fixed orientation. In reference to claim 26, neither BROOKS nor ACKERLY et al. discloses the type of material used to form the edge rail. Although they are silent in this regard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the known material on the basis of its suitability for the use intended as an obvious matter of design choice. For instance, if a sturdier fit is needed perhaps a metal member would be used; whereas, if a less rigid fit is desired, a plastic member would be used. Regarding claim 27, the support structure (43,47) carries the weight of the panel/glass (164). In reference to claim 28, although BROOKS discloses his edge rails at the tops of the panel/glass members, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the mere rearranging of essential parts of an invention involves only routine skill in

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the art. Hence, the members of BROOKS are capable of being positioned vertically without diverting from the scope of the invention.

Claims 2-3,8-10,13-18 and 28 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,158,179 to ACKERLY et al. in view of US Patent #6,037,538 to BROOKS and further in view of US Patent #6,314,691 to TAKAGI et al. and S Patent 6,405,504 to RICHARDSON. Regarding claims 2, 8, and 14, ACKERLY et al. in view of BROOKS, as detailed above, discloses the use of a panel arrangement for an office furniture including except for the use of projection within the channel. TAKAGI et al. teaches the use of projections (18) formed on the inside of a channel member (3) to retain a panel therein. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the arrangement of ACKERLY et al., as modified by BROOKS, with the projections of TAKAGI et al in order to provide the office with a space that is viewable and to ensure that the panel is retained securely in position. Regarding claims 3 and 9, the projections of TAKAGI et al. directly contact the panel member; however, the projection does not have a peak. Although the projection of TAKAGI et al. does not have a peak, rounding projections such that a peak is formed is old and very well known in the art. Further, RICHARDSON teaches forming peaked projections. The nature of the material used to for the channels of TAKAGI et al. and the projections of TAKAGI et al. allow for the deflectability of the other channel wall opposite the projections. Also, the channel of BROOKS is deflectable on both sides. Hence, the addition of the projection would not hinder the deflectability of the BROOKS channel. Thus, it would have been obvious to one having

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ordinary skill in the art to round the projection of TAKAGI et al. to form a peak or to simply used peaked projections, as taught by RICHARDSON, in order to create and ease of insertion of the panel member within the channel while also providing the assembly with resistance in maintaining the panel in place. The compressibility of the projection is determined by how tight or snug the panel is desired or required to fit within the channel member. In reference to claim 10, although the channel walls of ACKERLY et al., as modified by BROOKS, deflects, they are non-compressible. In reference to claim 13, the interior wall surface of the other wall (OT, 308) of the channel (CH) of the ACKERLY et al. is flat. Regarding claims 15 and 16, the structure of ACKERLY et al. further includes a base frame (70) that receives the connectors (43,47) such that the support /connector structure (43,47) carries the weight of the panel/glass (164). In reference to claims 17 and 28, although ACKERLY et al., as modified by BROOKS, discloses edge rails at the tops of the panel/glass members, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the mere rearranging of essential parts of an invention involves only routine skill in the art. Hence, the members of ACKERLY et al., as modified by BROOKS, are capable of being positioned vertically without diverting from the scope of the invention. Regarding claim 18, the support/connector part (43,47) is positioned between panels and is therefor located at the tops of on while also being located at the top of another.

Allowable Subject Matter

Claims 19-24 remain as being allowed.

Claims 4,5,11 and 12 remain as being objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot-in-part in view of the new ground(s) of rejection.

Regarding the Applicant's complaint about his filing of a "Notice of Appeal", a "Notice of Appeal" is just that a "Notice" and requires no response from the Office until an actual "Appeal Brief" is filed. As such, the examiner has not responded because at the filing of a "Notice of Appeal", the burden then lies with the applicant and not the Office.

In reference to the applicant's argument over the examiner's insistence on applying BROOKS and ACKERLY and previously allowed claims, in having the chance to review her previous Official Actions, she apologizes; however, realized that BROOKS and ACKERLY are still applicable to the claims of the instant invention.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. In the instant application, ACKERLY clearly details the

limitations set fourth in the claims except for the specifics of the channel thicknesses and BROOKS merely provides support for the use of channels and their thicknesses as applied in the art.

In reference to the applicant's complaint of the examiner intermixing" reference numeral, he is reminded that ACKERLY details several different embodiments, at least two of which includes glass panel arrangements. As such, the examiner merely was attempting to point out the claimed limitation in the different variations of ACKERLY. However, a more refined explanation is set fourth above.

Regarding the applicant's argument referencing the support part, the arguments are considered moot in view of the revised rejections noted above.

In reference to the applicant's argument that ACKERLY requires "wipers", and because of this is not "tight-fitting" in compressive contact, clearly column 13 of ACKERLY details that these "wipers" are also "slidingly pressing" the panel, a sure indication that there is a tight compressive contact indirectly through the wipers.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571) 272-6848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeanette Chapman
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Primary Patent Examiner
Art Unit 3635


YMH
8/07/06